

# COPY

## Combined Declaration and Power of Attorney for Patent Application

Docket Number: 0801.0137.US08

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter that is claimed and for which a patent is sought on the invention entitled Method of Enhancing RNA or Protein Production Using Non-Native 5' Untranslated Sequences in Recombinant Viral Nucleic Acids, the specification of which is attached hereto unless the following box is checked:

☒ was filed on July 21, 1999;  
as United States Application Number or PCT International Application Number 09/359,299; and  
was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

PRIOR FOREIGN APPLICATION(S)			
Application No.	Country	(Day/Month/Year/Filed)	Priority Claimed
			Yes No
			Yes No
			Yes No
			Yes No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

Application No.	Filing Date

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

Application No.	Filing Date	(Status – patented, pending, abandoned)
09/008,186	January 16, 1998	Pending
09/232,170	January 15, 1999	Pending

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Robert A. Auchter, Reg. No. 38,069  
Jeffrey I. Auerbach, Reg. No. 32,680  
William D. Belanger, Reg. No. 40,509  
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John A. Bendrick, Reg. No. 41,612  
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Cono A. Carrano, Reg. No. 39,623  
June E. Cohan, Reg. No. 43,741  
Joseph V. Colaianni, Reg. No. 39,948  
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Richard H. Kjeldgaard, Reg. No. 30,186  
Andrew R. Kopsidas, Reg. No. 42,759  
David J. Kulik, Reg. No. 36,576  
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Joseph P. Lavelle, Reg. No. 31,036  
Don F. Livornese, Reg. No. 32,040  
David R. Marsh, Reg. No. 41,408  
Christopher A. Mathews, Reg. No. 35,944  
Joseph A. Micallef, Reg. No. 39,772

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Anthony W. Shaw, Reg. No. 30,104  
J. David Smith, Reg. No. 39,839  
Michael J. Songer, Reg. No. 39,841  
Jennifer A. Tipsord, Reg. No. 40,205  
William K. West, Reg. No. 22,057  
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Thomas J. Gallegos, Reg. No. 32,692

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR: Sean J. Chapman 8-12-99	CITIZENSHIP: United Kingdom
RESIDENCE: 2A Riverside Road, Wormit, Newport-on-Tay, Fife DD6 8LS, U.K.	DATE: 8-12-99
POST OFFICE ADDRESS: 2A Riverside Road, Wormit, Newport-on-Tay, Fife DD6 8LS, U.K.	INVENTOR'S SIGNATURE: <i>Sean J. Chapman</i>
FULL NAME OF SECOND INVENTOR: William O. Dawson	CITIZENSHIP: U.S.
RESIDENCE: 803 Olsen Road, Winter Haven, Florida 33884	DATE:
POST OFFICE ADDRESS: 803 Olsen Road, Winter Haven, Florida 33884	INVENTOR'S SIGNATURE:
FULL NAME OF THIRD INVENTOR: Jonathan Donson	CITIZENSHIP: United Kingdom
RESIDENCE: 467 Pavarotti Drive, Oak Park, California 91377	DATE: 9th December 1999
POST OFFICE ADDRESS: 467 Pavarotti Drive, Oak Park, California 91377	INVENTOR'S SIGNATURE: <i>J. Donson</i>

<b>FULL NAME OF FOURTH INVENTOR:</b> Monto H. Kumagai	<b>CITIZENSHIP:</b> U.S.
<b>RESIDENCE:</b> 809 Plum Lane, Davis, California 95616	<b>DATE:</b> Dec. 6, 1999
<b>POST OFFICE ADDRESS:</b> 809 Plum Lane, Davis, California 95616	<b>INVENTOR'S SIGNATURE:</b> <i>Monto H. Kumagai</i>
<b>FULL NAME OF FIFTH INVENTOR:</b> Dennis J. Lewandowski	<b>CITIZENSHIP:</b> U.S.
<b>RESIDENCE:</b> 2005 Shoreland Drive, Auburndale, Florida 33823	<b>DATE:</b>
<b>POST OFFICE ADDRESS:</b> 2005 Shoreland Drive, Auburndale, Florida 33823	<b>INVENTOR'S SIGNATURE:</b>
<b>FULL NAME OF SIXTH INVENTOR:</b> John A. Lindbo	<b>CITIZENSHIP:</b> U.S.
<b>RESIDENCE:</b> 143 Sundance Drive, Vacaville, California 95688	<b>DATE:</b> Dec 6, 1999
<b>POST OFFICE ADDRESS:</b> 143 Sundance Drive, Vacaville, California 95688	<b>INVENTOR'S SIGNATURE:</b> <i>John A. Lindbo</i>
<b>FULL NAME OF SEVENTH INVENTOR:</b> Gregory P. Pogue	<b>CITIZENSHIP:</b> U.S.
<b>RESIDENCE:</b> 419 Trillick Court, Vacaville, California 95688	<b>DATE:</b> Dec. 7, 1999
<b>POST OFFICE ADDRESS:</b> 419 Trillick Court, Vacaville, California 95688	<b>INVENTOR'S SIGNATURE:</b> <i>Gregory P. Pogue</i>
<b>FULL NAME OF EIGHTH INVENTOR:</b> Shailaja Shivprasad	<b>CITIZENSHIP:</b> India
<b>RESIDENCE:</b> 5996-A Windhover Drive, Orlando, Florida 32819	<b>DATE:</b>
<b>POST OFFICE ADDRESS:</b> 5996-A Windhover Drive, Orlando, Florida 32819	<b>INVENTOR'S SIGNATURE:</b>

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<b>POST OFFICE ADDRESS:</b> 2A Riverside Road, Wormit, Newport-on-Tay, Fife DD6 8LS, U.K.	<b>INVENTOR'S SIGNATURE:</b>
<b>FULL NAME OF SECOND INVENTOR:</b> William O. Dawson	
<b>RESIDENCE:</b> 803 Olsen Road, Winter Haven, Florida 33884	<b>CITIZENSHIP:</b> U.S.
<b>POST OFFICE ADDRESS:</b> 803 Olsen Road, Winter Haven, Florida 33884	<b>DATE:</b> 12/8/99
	<b>INVENTOR'S SIGNATURE:</b> <i>William O. Dawson</i>
<b>FULL NAME OF THIRD INVENTOR:</b> Jonathan Donson	
<b>RESIDENCE:</b> 467 Pavarotti Drive, Oak Park, California 91377	<b>CITIZENSHIP:</b> United Kingdom
<b>POST OFFICE ADDRESS:</b> 467 Pavarotti Drive, Oak Park, California 91377	<b>DATE:</b>
	<b>INVENTOR'S SIGNATURE:</b>

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<b>FULL NAME OF FIFTH INVENTOR:</b> Dennis J. Lewandowski	<b>CITIZENSHIP:</b> U.S.
<b>RESIDENCE:</b> 2005 Shoreland Drive, Auburndale, Florida 33823	<b>DATE:</b> 12/7/99
<b>POST OFFICE ADDRESS:</b> 2005 Shoreland Drive, Auburndale, Florida 33823	<b>INVENTOR'S SIGNATURE:</b> 
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<b>POST OFFICE ADDRESS:</b> 5996-A Windhover Drive, Orlando, Florida 32819	<b>INVENTOR'S SIGNATURE:</b> S. Shivprasad